
City of Fremont Initial Study

1. **Project:** Woodside Terrace Landslide Repair (PLN2013-00207)
2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**
City of Fremont Community Development Dept.
39550 Liberty Street, 1st Floor
Fremont, CA 94538
3. **Lead Agency contact person:**
Stephen Kowalski, Associate Planner
Phone: (510) 494-4532; E-mail: skowalski@fremont.gov
4. **Project location:** 3508, 3564 and 3620 Woodside Terrace and adjacent private open space, Fremont, CA 94538 (APNs: 519-1717-016-00; 519-1717-017-00; 519-1717-018-00; 519-1718-005-00 and 519-1725-006-01)
5. **Project Sponsor's name and address:**
Miller Pacific Engineering Group (Scott Stephens, P.E. – Project Manager)
504 Redwood Blvd., Suite 220
Novato, CA 94947
Phone: 415-382-3444; E-mail: SStephens@millerpac.com
6. **General Plan Land Use Designation:** Open Space – Hill Face
7. **Zoning:** Planned District P-90-9
8. **Description of project:**

The applicant, on behalf of affected owners of property in the Avalon Homes residential community, is proposing to conduct permanent repairs of a large landslide that occurred in the private rear yards of the homes located at 3508, 3564 and 3620 Woodside Terrace. The slide, which began in 2006 and increased in severity over the next several years, consisted of approximately 70,000 cubic yards of earthen material. It also destroyed a number of surface and subsurface drainage facilities that previously drained the subject properties.

The proposed repairs would consist of the installation of underground structural reinforcements to shore up the exposed hillside where the slide occurred, the installation of new subsurface drainage facilities to prevent future soil saturation, the backfilling of the void with engineered fill, the removal of the drainage facilities that were destroyed and traveled downhill during the slide, and the re-grading and stabilization of the finished surface of the hillside to match the surrounding topography and vegetation. The applicant would excavate below the surface left by the void in order to enable the reinforcement structures to tie into more stable soils and/or bedrock before backfilling the void with engineered fill that includes the actual slide materials as well as the additional amount that would be excavated from beneath the void to enable the subsurface reinforcement.

The project would be implemented in three phases. Phase I, consisting of the subsurface excavation below the void and the installation of structural reinforcements, is expected to occur this dry season and take four to six weeks to complete. Phases II and III would consist of the installation of new subsurface drainage facilities and additional reinforcement measures, backfilling the void with engineered fill, and re-grading and hydro-seeding the hillside to match the adjacent terrain. These two phases combined are expected to take approximately eight weeks to complete, and are scheduled to occur in the following (2014) dry season.

Pursuant to Fremont Municipal Code (FMC) Section 18.205.090, because the proposed repairs would involve total grading volumes in excess of 1,000 cubic yards, the project would require approval of a Preliminary Grading Plan from the City of Fremont Planning Commission. The landslide deposited the slide materials and broken drainage facilities downhill from the subject properties a short distance above the banks of Toroges Creek, a seasonal stream that conveys stormwater runoff from the Mission Hills down to the San Francisco Bay. The creek contains riparian woodland habitat which is defined as sensitive habitat by the California Department of Fish and Wildlife (CDFW), and falls under the jurisdiction of the U.S. Army Corps of Engineers (Corps) as a "Water of the United States" under the Federal Clean Water Act. Removal of the deposited slide materials and broken drainage facilities would require encroachment into the riparian woodland habitat, and the re-engineered drainage facilities proposed to be installed as part of the repairs would discharge into the creek. Thus, in addition to a Preliminary Grading Plan, the project would require a Nationwide Permit 18 from the Corps, a Water Quality Certification from the San Francisco Bay Regional Water Quality Control Board (RWQCB), a Lake/Streambed Alteration Agreement from CDFW, and a grading permit from the City's Public Works Department.

9. Surrounding land uses and setting:

The project site is located within the Avalon Homes gated residential community in the Mission Hills at the southeastern end of Fremont. The landslide occurred within the landscaped rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties just above Toroges Creek in a grassy area that was once planned to be part of the Doublewood Golf Course, but is now held by the golf course developer as private open space. Toroges Creek is a seasonal stream located at the bottom of the gully below the subject properties, and is densely vegetated with trees and brush which form a riparian woodland along both sides of the creek. Additional single-family homes that are also part of the Avalon Homes community are located above the opposite bank of the creek, approximately 450 feet to the northeast as the crow flies.

The remainder of the surrounding lands consist of additional private Avalon Homes properties and the Mission Hills uplands uphill/upstream from the site to the east, and the grasslands of the Mission Hills foothills which run downhill/downstream from the site where they ultimately terminate at the Interstate 680 freeway approximately ¾ mile to the west.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared.

11. Other public agencies requiring approval: United States Army Corps of Engineers; California Department of Fish and Wildlife; Regional Water Quality Control Board; Alameda County Flood Control District (ACFCD); Alameda County Water District (ACWD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forrestr Resources	M	Air Quality
M	Biological Resources		Cultural Resources		Geology / Soils

	Hazards & Hazardous Material
	Greenhouse Gas Emissions
	Population / Housing
	Transportation / Traffic

	Hydrology / Water Quality
	Mineral Resources
	Public Services
	Utilities / Service Systems

	Land Use / Planning
	Noise
	Recreation
	Mandatory Findings of Significance

PREVIOUS ENVIRONMENTAL ANALYSES:

An Environmental Impact Report (EIR-90-31, State Clearinghouse [SCH] No. 90030466) was previously adopted for the development of the Avalon Homes project (P-90-9) by the Fremont City Council on May 21, 1991. This EIR included several mitigation measures to reduce the impacts identified in the report to less-than-significant levels, all of which were implemented at the time the project was developed. On May 24, 2001, the Fremont Planning Commission adopted a Mitigated Negative Declaration (PLN2000-00316, SCH No. 2001042114) for work needed to repair and restore another creek (identified as "Creek B" in the document) that flows through the Avalon Homes community that was heavily damaged by erosion that resulted from the construction of the development. This Mitigated Negative Declaration contained mitigation measures to reduce impacts to biological resources including California tiger salamanders and nesting birds, as well as cultural/historical resources and air quality. These mitigation measures were implemented during the restoration of Creek B. No mitigation measures from either the EIR or the previous Mitigated Negative Declaration are currently outstanding or incomplete.

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

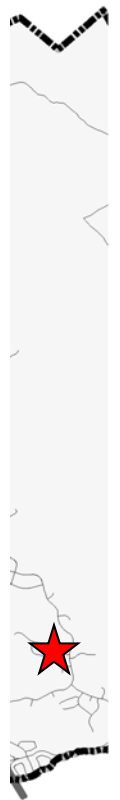
Signature: _____

Date: _____

Printed Name: Stephen Kowalski

For: City of Fremont

Planning Manager Review: _____



I. AESTHETICS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X	1, 8, 11

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties. The creek is densely vegetated with trees and brush which form riparian woodland along both sides of the streambed.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Chapter
- City of Fremont Municipal Code, Title 18, Planning and Zoning

Discussion/Conclusion/Mitigation

a-c) a) Would the project have a substantial adverse effect on a scenic vista? b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The Mission Hills are identified as a protected visual amenity in the City of Fremont General Plan, including the hills enveloping the Avalon Homes community where the landslide occurred. While they would physically alter the current visual character of the subject hillside, implementation of the proposed repairs would restore the hillside to a visual state that is more natural and compatible with the surrounding hillsides while removing an unsightly scar where the slide occurred. It would also result in the removal of slide materials and rubble from the ecologically sensitive riparian habitat surrounding the creek, thus restoring the area around the creek to its previous, natural state. As such, impacts to scenic resources from the proposed repairs would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant Impact

Mitigation: None Required

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The proposed project would not create any new sources of light or glare.

Potential Impact: No Impact

Mitigation: None Required

- II. AGRICULTURE AND FOREST RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Chapter
- California Department of Conservation, Alameda County Farmland Map-Access via URL: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf>

Discussion/Conclusion/Mitigation

- a) **Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

According to the California Department of Conservation's 2010 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- b-e) **Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The project site consists of a portion of a residential subdivision and surrounding private open space. The site does not contain any farmland/agricultural resources. As shown on the California Department of Conservation's 2010 Alameda County Farmland Map, the three residential properties are identified as "urban and built-up land" while the private open space is identified as "grazing land." Further, there are no agriculturally-zoned lands or existing Williamson Act contracts in the project area. In addition, the proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from implementation of the project.

Potential Impact: No Impact

Mitigation: None Required

- III. **AIR QUALITY** - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Conflict with or obstruct implementation of any applicable air quality plan?				X	1, 21, 22
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X			1, 21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	1, 21, 22

d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22
e.	Create objectionable odors affecting a substantial number of people?				X	1, 3, 6

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Chapter (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest of such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM10 and PM2.5). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs. per day for ozone precursors.
- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

Discussion/Conclusion/Mitigation

- a-c) Would the project conflict with or obstruct implementation of any applicable air quality plan? Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

The proposed project would require the use of diesel-powered earth-moving equipment for a period of several weeks during the 2013 and 2014 dry seasons. Emissions generated by this equipment would be short-term in duration and would not result in significant impacts to air quality. The project would also not conflict with or obstruct implementation of any applicable clean air plan nor result in a cumulatively considerable net increase of any criteria pollutant. Thus, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- d-e) Would the project expose sensitive receptors to substantial pollutant concentrations? Would the project create objectionable odors affecting a substantial number of people?**

The nearest sensitive receptors to the project site are the single-family homes on the three affected properties, as well as several single-family homes located immediately adjacent to the

properties. Access to the site during implementation of the repairs would be taken via the hillside directly behind the fences of the homes along Woodside Terrace from a chain link fence that opens onto Avalon Heights Terrace. As such, the earth-moving equipment and construction crew's private vehicles would generate a temporary increase in emissions near sensitive receptors. The entire project is estimated to require four to six weeks of work during the 2013 dry season, and another eight weeks during the 2014 dry season to complete. Therefore, emissions from the heavy equipment would be short-term in duration and would, therefore, not significantly increase the nearest sensitive receptors' risk of exposure to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people. The temporary effects of grading activities and the movement of vehicles back and forth across the job site could cause airborne dust if not properly managed through dust control methods. Mitigation Measure Air-1, below, would reduce impacts associated with particulate matter (dust emissions) from these activities to a less-than-significant level.

Potential Impact: Less than Significant Impact with Mitigation Incorporated

Mitigation Measure Air-1: Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit particulate matter (fugitive dust emissions) and noted on the grading plans with the contact information for a designated person who will oversee the on-site implementation of the plan:

1. Water all active construction and site preparation work areas at least twice daily and more often during windy periods.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas
6. Enclose or securely cover exposed stockpiles.
7. Replant vegetation in disturbed areas as quickly as possible.
8. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X			1, 8, C
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X			1, 8, C

c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X			1, 8, C
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			1, 8, C
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			1, 3, 8, C
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X			1, 8, C

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek. A biological resources survey was prepared by LSA Associates, Inc., dated June 13, 2013, to identify potentially significant impacts to biological resources that could result from the landslide repair. As described in LSA's letter report, the project area supports ruderal/non-native annual grassland with seasonal wetland seeps. The Toroges Creek channel and a riparian woodland are also in close proximity to the project area.

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related biological resources include:

- City of Fremont General Plan Conservation Chapter
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- Federal Clean Water Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements
- Alameda County Flood Control District laws and requirements

Discussion/Conclusion/Mitigation

a-b, d) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The biological resources survey prepared by LSA in June 2013 included a general description of the habitat types present in the project area; identified several special-status species observed or potentially present in the project area; assessed sensitive habitats (including potential waters of the United States/waters of the State and riparian woodland); and recommended mitigation measures to reduce potential impacts.

Although several special-status plant species have been recorded in the vicinity of the project area, none are likely to occur due to prior disturbance within the grassland, including grading, the introduction of non-native plant species, and lack of suitable habitat and substrates such as natural (pre-landslide) wetlands and alkaline substrates.

Special-status animal species that could occur in the project area include the following: (a) California tiger salamander; (b) California red-legged frog; (c) western pond turtle; (d) burrowing owl; (e) white-tailed kite; (f) northern harrier; (g) loggerhead shrike; (h) San Francisco common yellowthroat; and (i) tricolored blackbird. The proposed landslide repair activities could result in a possible take or disturbance of habitat for the above listed special-status species. The following mitigation measures (Mitigation Measures Bio-1 through Bio-5) would reduce potential impacts to special-status animal species to a less-than-significant level:

Potential Impact: Less than Significant Impact with Mitigation Incorporated

Mitigation Measure Bio-1: The following avoidance measures shall be implemented prior to commencement of work within the suitable California tiger salamander habitat:

- Pre-construction surveys for California tiger salamanders shall be conducted in suitable upland habitat within the project site within 24 hours of commencement of activities.
- A qualified biologist shall be present during initial ground disturbance that could result in take of the California tiger salamander.
- Exclusion fencing shall be installed along the perimeter of the work area to keep California tiger salamanders from entering it. The exclusion fence shall be installed after the winter rains but before the nearby breeding pond dries (approximately in April, depending on the rainfall) in the year in which work occurs to prevent juvenile tiger salamanders from moving onto the landslide repair site.
- Plastic mono-filament netting (used in many erosion control fabrics) or similar materials shall not be used at the site as California tiger salamanders may become entangled in such netting.

Mitigation shall include restoration of the landslide with native grassland species and the installation of artificial burrows to encourage colonization by ground squirrels and, therefore, enhance tiger salamander terrestrial habitat. Mitigation that may be required by the regulatory agencies in addition to the measures described above include the enhancement of the existing tiger salamander pond adjacent to the site or the purchase of mitigation bank credits for California tiger salamander terrestrial habitat at a minimum 1:1 ratio (area of slide repair-to-mitigation area).

Mitigation Measure Bio-2: The following avoidance measures shall be implemented prior to commencement of work within the suitable California red-legged frog habitat:

- Pre-construction surveys for California red-legged frogs shall be conducted in suitable upland habitat within the project site within 24 hours of commencement of activities.
- A qualified biologist shall be present during initial ground disturbance that could result in take of the California red-legged frog.
- Exclusion fencing shall be installed along the perimeter of the work area to keep California red-legged frogs from entering it.

- Plastic mono-filament netting (used in many erosion control fabrics) or similar materials shall not be used at the site as California red-legged frogs may become entangled in such netting.

Mitigation Measure Bio-3: The following avoidance measures shall be implemented prior to commencement of work within the suitable western pond turtle habitat:

- A pre-construction survey for the western pond turtle shall be conducted in work areas that support suitable upland and/or aquatic habitat that is within 300 feet of Toroges Creek. The survey shall be conducted no more than 14 days prior to commencement of activities with a follow-up survey immediately prior to the start of work (on the day of commencement) to ensure that no turtles occur within the work area.
- A qualified biologist shall be present during initial ground disturbance that could injure or kill western pond turtles.
- Exclusion fencing shall be installed along the perimeter of the work area to keep western pond turtles from entering it.
- Plastic mono-filament netting (used in many erosion control fabrics) or similar materials shall not be used at the site as western pond turtles may become entangled in such netting.

Mitigation Measure Bio-4: Pre-construction surveys for burrowing owls shall be conducted prior to commencement of activities. These surveys shall conform to the survey protocol established by the CDFW per its Staff Report on Burrowing Owl Mitigation. The following measures are consistent with the provisions of the Migratory Bird Treaty Act and the CDFW staff report:

- No more than 14 days prior to any ground-disturbing activities (regardless of the time of year), a qualified biologist shall conduct a take avoidance survey for burrowing owls. If no owls are found during this first survey, a final survey shall be conducted within 24 hours prior to ground disturbance to confirm that burrowing owls are still absent. If ground-disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the site shall be resurveyed (including the final survey within 24 hours of disturbance). All surveys shall be conducted in accordance with CDFW (CDFG 2012) guidelines.
- If burrowing owls are found on the site, mitigation shall be required in accordance with CDFW (2012) guidelines. If the surveys identify breeding or wintering burrowing owls on or adjacent to the site, occupied burrows shall not be disturbed and shall be provided with protective buffers. Where avoidance is not feasible, an exclusion plan shall be implemented to encourage owls to move away from the work area prior to commencement of activities. The exclusion plan shall be subject to CDFW approval and monitoring requirements. Compensatory mitigation may also be required by CDFW as part of the approval of an exclusion plan.

Mitigation Measure Bio-5: The project shall avoid work during the bird nesting season (February 1 through August 31). If work during the nesting season cannot be avoided, pre-construction surveys for native birds that may nest on or adjacent to the project site shall be conducted. If active nests are found, appropriate buffer zones shall be established in consultation with CDFW. The buffer zones shall be maintained around the nests until the nests are determined to be inactive and the young are foraging independently.

- c) **Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal**

pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

A portion of Toroges Creek occurs north of the landslide repair area and had approximately one to six inches of standing water during LSA's April field reconnaissance. As described in LSA's letter report, Toroges Creek would be considered a jurisdictional feature by the Corps and, therefore, subject to regulation under Section 404 of the Federal Clean Water Act and/or the California Porter Cologne Act. A damaged concrete v-ditch that fell into the creek channel and a plastic pipe along the creek bank would be removed as part of the landslide repair, which could result in potentially significant impacts. Removal of the concrete v-ditch and plastic pipe would require permits from the Corps, RWQCB, and CDFW.

The biological resources survey also identified two potentially-jurisdictional seasonal wetland seeps located within the toe of slide. Both seeps are considered likely to meet jurisdictional wetland criteria, and, as such, must be preserved.

Implementation of Mitigation Measure Bio-6 would reduce potential impacts to waters of the United States/waters of the State to a less-than-significant level.

Potential Impact: Less than Significant Impact with Mitigation Incorporated

Mitigation Measure Bio-6: The applicant shall obtain a Nationwide Permit 18 (Minor Discharge) from the Corps, a Water Quality Certification permit from the RWQCB, and/or a Lake/Streambed Alteration Agreement permit from the CDFW. An estimated 50 square feet of broken/damaged concrete v-ditch occurs within Corps jurisdiction (below the Ordinary High Water Mark [OHWM] of Toroges Creek). Approximately 20 square feet of broken/damaged plastic pipe occurs above the OHWM within CDFW jurisdiction. Removal of the v-ditch and plastic pipe shall occur during the dry season when little or no standing water would be present in the creek. Debris shall be removed with minimal intrusions of equipment into the creek. The two seasonal wetland seeps shall be preserved by constructing two permanent sub-drain outfalls above the wetlands in order to maintain the existing hydrology that currently supports the seeps.

- e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The proposed landslide repair would not conflict with any local policies protecting biological resource nor the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans as none exist for the project area. No impact would result.

Potential Impact: No Impact

Mitigation: None Required

V. CULTURAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	1, 11, 28, 29

b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 11, 28, 29
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 11, 28, 29
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 11, 28, 29

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont that was constructed in the 1990s. The landslide occurred behind the three homes located at 3508, 3564 and 3620 Woodside Terrace. The specific area being restored consists of the rear yards of the three residential properties, as well as grassland and riparian habitat currently serving as private open space located directly below the subject properties.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Land Use Chapter (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Discussion/Conclusion/Mitigation

- a) **Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?**

The project site consists of the rear yards of three residential properties and a private open space consisting of grasslands and a seasonal creek. The project area contains no buildings built prior to the 1990's. Therefore, the proposed project would not cause a substantial adverse change in the significance of any historic resources and no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- b-d) **Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?**

The project site does not contain any known archaeological resources, paleontological resources, unique geologic features, or human remains. Thus, the proposed landslide repair is not anticipated to result in impacts to archaeological or paleontological resources or human remains. However, there is a possibility that unrecorded resources could be exposed during grading activities or site disturbance, which could result in a potentially significant impact. Implementation of Cult-1 would reduce potential impacts to a less-than-significant level

Potential Impact: Less than Significant Impact with Mitigation Incorporated

Mitigation Measure Cult-1: If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:

- All work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist. Work shall not continue until the archaeologist conducts

sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 5, 6, D
	ii) Strong seismic ground shaking?				X	1, 5, 6, D
	iii) Seismic-related ground failure, including liquefaction?				X	1, 5, 6, D
	iv) Landslides?			X		1, 5, 6, D
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8, D
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6, D
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?				X	1, 5, 6, D
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Environmental Setting:

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Chapter (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- 2010 California Building Code

Discussion/Conclusion/Mitigation

- a-e) **Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?**

The hills within and surrounding the Avalon Homes community are known to be geologically unstable as a number of landslides, including the subject slide, have occurred in the area over time. The applicant, a state-licensed geotechnical engineer, conducted a soils report for the project in June 2013 and prepared accompanying plans for the proposed repairs. The soils report and plans have been peer-reviewed and approved by the City's geotechnical consultant in accordance with the requirements of the 2010 California Building Code (CBC). The proposed repairs, which include extensive structural reinforcements that would be tied back into firm soil or bedrock beneath the slide void, all new subsurface drainage facilities, and the application of erosion control measures and hydroseeding to the finished slope to minimize erosion and sedimentation, have been designed to permanently stabilize the subject hillside and preclude future slides from occurring. Conformance to the approved plans and the applicable 2010 CBC standards would reduce risks to the affected and adjacent properties and improvements from landslides to a less-than-significant level. As such, impacts associated with unstable geology and soils would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact

Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 3, 8, 21, 22, 23

Environmental Setting

With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a Statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG analysis uses carbon dioxide equivalents (CO₂e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO₂. The State 2005 GHG emission inventory was 479 million metrics tons of CO₂e. CARB projected that under business-as-usual

conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO₂e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO₂e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO₂e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Chapters
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Discussion/Conclusion/Mitigation

- a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. According to the project engineer/applicant, Phase I of the proposed repairs is expected to be completed within four to six weeks during the 2013 dry season, while Phases II and III are expected to take an additional eight weeks to complete during the 2014 dry season. Because the project would only generate a limited amount of emissions from the burning of fossil fuels by heavy earth-moving equipment during these two time periods, it would not generate emissions in quantities that could have a significant impact on the environment or conflict with AB 32. Therefore, impacts would be less than significant.

Potential Impact: Less than Significant Impact

Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	1, 6, 7
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	1, 6, 7
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 3

d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	1, 6, 26

Environmental Setting:

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties. The repair/restoration work is scheduled to be completed during the 2013 and 2014 dry seasons, when the grasslands of the hills are very dry and pose a high fire hazard.

Regulatory Framework

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Chapters
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Discussion/Conclusion/Mitigation

a-c) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The proposed project consists of the repair and restoration of a hillside that sustained a landslide, as well as the removal and replacement of drainage facilities that were damaged or destroyed by the slide. The project would not require the transport or disposal of any hazardous materials that could expose the public to health risks from accidental spills or emissions. As such, no impacts to public health from hazardous materials would result from the project.

Potential Impact: Less than Significant Impact

Mitigation: None Required

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List). Thus, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

The project site is not located within an airport land use plan nor are there any public or private airports within City limits. Thus, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- f) **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

The proposed project would not interfere with any emergency response or evacuation plans. Emergency vehicle access to the slide area would be provided throughout the same vehicle gate that the construction crew would utilize to access the site, as well as the private streets of Woodside Terrace and Avalon Heights Terrace. As such, the project would not hinder emergency access to the site or the surrounding properties and no mitigation is required.

Potential Impact: No Impact

Mitigation: None Required

- g) **Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The project site is located in a Wildland-Urban Interface Fire Area. The prevalence of dry grasslands surrounding the Avalon Homes community and the subject slide area poses a very high fire hazard during the dry season when the proposed repairs are scheduled to be completed. All proposed landslide repair/restoration activities would be required to conform to the 2010 California Fire Code (CFC) with regard to mandatory fire prevention measures that must be implemented at the job site while work is being conducted in a Wildland-Urban Interface Fire Area. Conformance to the 2010 CFC requirements for work conducted in a Wildland-Urban Interface Fire Area would reduce impacts to a less-than-significant level- and no mitigation is required.

Potential Impact: Less than Significant Impact

Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Violate any water quality standards or waste discharge requirements?				X	1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?				X	1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Existing Conditions

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties. . Runoff from the rear yards of the subject properties, as well as the hillside where the slide occurred, drains into Toroges Creek, a seasonal stream which runs below the subject properties.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Chapter (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Discussion/Conclusion/Mitigation

- a-c, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?**

The proposed landslide repair would not violate any water quality standards in that it would not alter or degrade the composition of the runoff that would be generated by the restored lands. New drainage facilities would be installed as part of the proposed repairs, but the quality of the runoff would remain the same and it would continue to be discharged into Toroges Creek. The project would also not affect groundwater supplies as no new impervious surface is proposed and all runoff would be collected from the restored lands in drainage facilities and channeled into the creek.

Per Mitigation Measure Bio-1 of Section XIV, Biological Resources, above, the subsurface drainage facilities would be required to discharge into the wetland seeps located below the slide. Channeling of this runoff into the wetlands would prevent erosion and siltation from occurring within the creekbed which could degrade water quality within the creek. As such, impacts to water quality would not occur as a result of the project.

Potential Impact: No Impact

Mitigation: None Required

- d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

The proposed project would include the replacement of drainage facilities that were damaged or destroyed by the landslide with new facilities. However, the drainage patterns of the areas being restored would remain unchanged, with runoff from the subject properties continuing to be collected and conveyed downhill into Toroges Creek. No new impervious surface would be added to any of the areas being restored. Therefore, runoff volumes would not increase significantly and no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?**

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0607G, effective August 3, 2009. According to this FIRM, the project site is located within an Unshaded X zone and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. Furthermore, no housing is proposed as part of the project. As such, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

X. LAND USE AND PLANNING - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Chapters
- Habitat Conservation Programs, California Department of Fish and Wildlife

Discussion/Conclusion/Mitigation

- a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an**

environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed project would not physically divide an established community as no new development is proposed, nor would it conflict with any applicable plan adopted for the purpose of avoiding or mitigating an environmental effect.

As previously noted, there are no habitat conservation or natural community conservation plans affecting the project area. As such, the project would result in no impact to such plans.

Potential Impact: No Impact

Mitigation: None Required

XI. MINERAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Chapter
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Discussion/Conclusion/Mitigation

a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

XII. NOISE - Would the project result in:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 3, 9
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	1, 3, 9
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1, 3, 9
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Environmental Setting

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Chapter (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code

In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable outdoor noise level in single-family residential neighborhoods is an Ldn of 60 dB(A); however, the maximum conditionally acceptable outdoor noise level is an Ldn of 75dB(A).

Discussion/Conclusion/Mitigation

a-c) Would the project exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Would the project exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Would a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The proposed project could expose people to short-term noise levels from heavy earth-moving equipment that may exceed the City's noise standards for residential zones, as well as short-term exposure to groundborne vibration from such equipment. The proposed landslide repairs would require the removal and replacement of a large amount of earth, so large, diesel-powered equipment must be employed to conduct the work. The work is estimated to be limited to a period

of not less than four and not more than eight weeks during both the 2013 and 2014 dry seasons, and all repair activities would be required to comply with the standards contained in the City's Municipal Code which limits such activities to certain times of the day and week to reduce noise and vibration impacts on adjacent properties. In residential areas, these restrictions are:

Monday-Friday, 7 a.m. to 7 p.m.
 Saturday and Holidays, 9 a.m. to 6 p.m.
 Sunday, no construction activity allowed

As such, since they would only be temporary and limited strictly to daylight hours when most residents are awake, noise and vibration impacts from the project would be less than significant and no mitigation is required.

Potential Impact: Less than Significant Impact

Mitigation: None required

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Implementation of the project would result in a temporary increase in noise levels during daytime hours, particularly from diesel-powered earth-moving equipment and other heavy machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code as specified in a-c), above. These construction hour limitations would ensure that potentially loud construction activities would only occur during daylight hours when other short-term noise impacts from such sources as leaf blowers, overhead air traffic, and other nearby construction work would typically occur, and when most residents are not asleep. Therefore, impacts would be less than significant.

Potential Impact: Less than Significant Impact

Mitigation: None Required

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

There are no public or private airports located in the City or vicinity. As such, no impact would result from the project.

Potential Impact: No Impact

Mitigation: None Required

XIII. POPULATION AND HOUSING - Would the project:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4

b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Existing Conditions

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Chapters (referencing City Housing Element, July 2009)

Discussion/Conclusion/Mitigation

a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed project would not induce population growth in the area as no roadway extensions or other infrastructure would be needed. In addition, the proposal does not involve the demolition of any existing housing. Therefore, it would not displace any residents or result in the loss of any dwelling units and no impacts would result.

Potential Impact: No Impact

Mitigation: None Required

XIV. PUBLIC SERVICES:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire protection?				X	1, 10
	Police protection?				X	1, 10
	Schools?				X	1, 10
	Parks?				X	1, 10
	Other public facilities?				X	1, 10

Existing Conditions

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities Chapter
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?**

The proposed project would not result in substantial adverse impacts associated with the provision of new or altered governmental facilities or services as the landslide repair would not require such facilities or services. Therefore, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

XV. RECREATION:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1, 2, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	1, 2, 12

Existing Conditions

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Chapter

Discussion/Conclusion/Mitigation

- a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

The proposed landslide repair would not directly or indirectly result in an increase in the use of parks or other recreational facilities nor require the construction or expansion of existing recreational facilities. Therefore, no impacts would result.

Potential Impact: No Impact

Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	1, 3, 7
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	1, 3, 7
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 3, 7
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 3, 7
e.	Result in inadequate emergency access?				X	1, 6, 7
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 3, 7

Existing Conditions

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties. The closest intersection to the site is the intersection of Woodside Terrace and Avalon Heights Terrace, where an existing vehicle gate is located which would provide access to the slide area. Woodside Terrace and Avalon Heights Terrace are both private streets that were constructed in accordance with the City's standard specifications. Scott Creek Road is the nearest truck route that provides access to the freeway system and would be used to transport the heavy equipment needed to make the proposed repairs.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Chapter

Discussion/Conclusion/Mitigation

- a-b) Would the project exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

The proposed project would not result in a significant increase in vehicle trips on the adjacent roadways or the surrounding circulation system. The only trips generated would consist of the departures and arrivals of members of the construction crew that would work on the proposed repairs, as well as the engineering firm overseeing the project. The total number of personnel needed at the site is expected to average four to five workers per day. As such, the project would not significantly impact traffic levels or the transportation system and no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- c-d) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

The proposed project would not result in a change to air traffic patterns as there are no airports in Fremont, nor would it increase hazards due to a design feature or incompatible use. The end result of the proposed landslide repairs would be a stabilized hillside that would match the surrounding hillside terrain. Therefore, no impact would result.

Potential Impact: No Impact

Mitigation: None Required

- e) Would the project result in inadequate emergency access?**

Emergency vehicle access to the slide area would be provided throughout the same vehicle gate that the construction crew would utilize to access the site, as well as the private streets of Woodside Terrace and Avalon Heights Terrace. As such, the project would not result in inadequate access.

Potential Impact: No Impact

Mitigation: None Required

- f) Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

The project would not conflict with any policies or plans supporting alternative modes of transportation.

Potential Impact: No Impact

Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	10, 24

Existing Conditions

The project site is located within a gated residential community located in the hills of southeast Fremont. The landslide occurred within the rear yards of the three homes located at 3508, 3564 and 3620 Woodside Terrace, and deposited its materials directly below the subject properties in a grassy area just above Toroges Creek, a seasonal stream located at the bottom of the gully below the subject properties.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Chapter
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a-e) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed project would not require wastewater, water or any other utilities or services. New drainage facilities to replace those that were damaged or destroyed during the landslide would be provided, but these facilities would only serve of the three subject residential properties. The new drainage facilities would discharge into Toroges Creek at the bottom of the subject hillside and, as such, would not require construction of new off-site stormwater treatment or conveyance facilities. Therefore, impacts would be less than significant.

Potential Impact: Less than Significant Impact

Mitigation: None Required

f-g) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

Because the project consists primarily of earth-moving and earth-reinforcing activities, it would not generate significant volumes of solid waste that would require disposal in a landfill. The drainage facilities that were damaged or broken during the slide would be removed and disposed of at the proper facilities, but the amount of debris from these facilities would be insignificant. As such, no impacts to landfills or other solid waste disposal facilities would result from the project.

Potential Impact: No Impact

Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

ISSUES:		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		See Previous

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

XIX. MITIGATION MEASURES:

Mitigation Measure Air-1: Prior to the issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (dust emissions) and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.

1. Water all active construction and site preparation work areas at least twice daily and more often during windy periods.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas
6. Enclose or cover securely exposed stockpiles.
7. Replant vegetation in disturbed areas as quickly as possible.
8. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

Mitigation Measure Bio-1: The following avoidance measures shall be implemented prior to commencement of work within the suitable California tiger salamander habitat:

- Pre-construction surveys for California tiger salamanders shall be conducted in suitable upland habitat within the project site within 24 hours of commencement of activities.
- A qualified biologist shall be present during initial ground disturbance that could result in take of the California tiger salamander.
- Exclusion fencing shall be installed along the perimeter of the work area to keep California tiger salamanders from entering it. The exclusion fence shall be installed after the winter rains but before the nearby breeding pond dries (approximately in April, depending on the rainfall) in the year in which work occurs to prevent juvenile tiger salamanders from moving onto the landslide repair site.
- Plastic mono-filament netting (used in many erosion control fabrics) or similar materials shall not be used at the site as California tiger salamanders may become entangled in such netting.

Mitigation shall include restoration of the landslide with native grassland species and the installation of artificial burrows to encourage colonization by ground squirrels, and therefore enhance tiger salamander terrestrial habitat. Mitigation that may be required by the regulatory agencies in addition to the measures described above include the enhancement of the existing tiger salamander pond adjacent to the site or the purchase of mitigation bank credits for California tiger salamander terrestrial habitat at a minimum 1:1 ratio (area of slide repair-to-mitigation area).

Mitigation Measure Bio-2: The following avoidance measures shall be implemented prior to commencement of work within the suitable California red-legged frog habitat:

- Pre-construction surveys for California red-legged frogs shall be conducted in suitable upland habitat within the project site within 24 hours of commencement of activities.
- A qualified biologist shall be present during initial ground disturbance that could result in take of the California red-legged frog.
- Exclusion fencing shall be installed along the perimeter of the work area to keep California red-legged frogs from entering it.
- Plastic mono-filament netting (used in many erosion control fabrics) or similar materials shall not be used at the site as California red-legged frogs may become entangled in such netting.

Mitigation Measure Bio-3: The following avoidance measures shall be implemented prior to commencement of work within the suitable western pond turtle habitat:

- A pre-construction survey for the western pond turtle shall be conducted in work areas that support suitable upland and/or aquatic habitat that is within 300 feet of Toroges Creek. The survey shall be conducted no more than 14 days prior to commencement of activities with a follow-up survey immediately prior to the start of work (on the day of commencement) to ensure that no turtles occur within the work area.
- A qualified biologist shall be present during initial ground disturbance that could injure or kill western pond turtles.
- Exclusion fencing shall be installed along the perimeter of the work area to keep western pond turtles from entering it.
- Plastic mono-filament netting (used in many erosion control fabrics) or similar materials shall not be used at the site as western pond turtles may become entangled in such netting.

Mitigation Measure Bio-4: Pre-construction surveys for burrowing owls shall be conducted prior to commencement of activities. These surveys shall conform to the survey protocol established by the CDFW per its Staff Report on Burrowing Owl Mitigation. The following measures are consistent with the provisions of the Migratory Bird Treaty Act and the CDFW staff report:

- No more than 14 days prior to any ground-disturbing activities (regardless of the time of year), a qualified biologist shall conduct a take avoidance survey for burrowing owls. If no owls are found during this first survey, a final survey shall be conducted within 24 hours prior to ground disturbance to confirm that burrowing owls are still absent. If ground-disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the site shall be resurveyed (including the final survey within 24 hours of disturbance). All surveys shall be conducted in accordance with CDFW (CDFG 2012) guidelines.
- If burrowing owls are found on the site, mitigation shall be required in accordance with CDFW (2012) guidelines. If the surveys identify breeding or wintering burrowing owls on or adjacent to the site, occupied burrows shall not be disturbed and shall be provided with protective buffers. Where avoidance is not feasible, an exclusion plan shall be implemented to encourage owls to move away from the work area prior to commencement of activities. The exclusion plan shall be subject to CDFW approval and monitoring requirements. Compensatory mitigation may also be required by CDFW as part of the approval of an exclusion plan.

Mitigation Measure Bio-5: The project shall avoid work during the bird nesting season (February 1 through August 31). If work during the nesting season cannot be avoided, pre-construction surveys for native birds that may nest on or adjacent to the project site shall be conducted. If active nests are found, appropriate buffer zones shall be established in consultation with CDFW. The buffer zones shall be maintained around the nests until the nests are determined to be inactive and the young are foraging independently.

Mitigation Measure Bio-6: The applicant shall obtain a Nationwide Permit 18 (Minor Discharge) from the Corps, a Water Quality Certification permit from the RWQCB, and/or a Lake/Streambed Alteration Agreement permit from the CDFW. An estimated 50 square feet of broken/damaged concrete v-ditch occurs within Corps jurisdiction (below the Ordinary High Water Mark [OHWM] of Toroges Creek). Approximately 20 square feet of broken/damaged plastic pipe occurs above the OHWM within CDFW jurisdiction. Removal of the v-ditch and plastic pipe shall occur during the dry season when little or no standing water would be present in the creek. Debris shall be removed with minimal intrusions of equipment into the creek. The two seasonal wetland seeps shall be preserved by constructing two permanent sub-drain outfalls above the wetlands in order to maintain the existing hydrology that currently supports the seeps.

Mitigation Measure Cult-1: If any archaeological or paleontological resources or human remains are encountered during grading or site disturbance, the following measures shall be implemented:

- All work shall cease within a 200-foot radius of the discovery until it can be evaluated by a qualified archaeologist. Work shall not continue until the archaeologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. If avoidance is not feasible, an alternative archaeological management plan shall be prepared that may include excavation. If human remains are discovered, the Alameda County Coroner's office shall be notified as required by state law. All excavation and monitoring activities shall be conducted in accordance with the prevailing professional standards, as outlined in the CEQA Guidelines and by the California Office of Historic Preservation.

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2010
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

- A. Project Plans prepared by Miller Pacific Engineering Group, updated April 1, 2013
- B. Site reconnaissance visit by City Planning Division, April 26, 2013
- C. Reconnaissance-Level Biological Survey prepared by LSA Associates, Inc., dated June 13, 2013
- D. Geotechnical Evaluation for Landslide Repair prepared by Miller Pacific Engineering Group, dated June 20, 2013